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Attorneys for Plaintiff  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOHN JOSEPH COTA, and  
FLEET MANAGEMENT LIMITED,  
Defendants

Case No. 07-90552-MISC-VRW (JCS)

DECLARATION OF LT. COMMANDER C. A.  
TRIBOLET, U.S. COAST GUARD, IN SUPPORT  
OF THE UNITED STATES RESPONSE TO  
MOTIONS FOR RELEASE OF WITNESSES

Date: September 18, 2008  
Time: 2:00 p.m.  
Judge: Hon. Joseph C. Spero

**I, CHRISTOPHER A TRIBOLET, declare as follows:**

1. I am a judge advocate in the United States Coast Guard, and an attorney admitted to practice before this Court. I am also a Special United States Attorney and have been actively engaged in the above-captioned matter since December, 2007. I was also engaged in the initial investigation and response to the Cosco Busan incident as a legal adviser to the local Coast Guard commands. I have personal knowledge of the matters stated below and, if called as a witness, I could and would testify competently thereto.
2. The United States has disclosed about 110 discs and 2420 pages of documents. Much of the discovery is repetitive. For example the United States received the bridge audio materials from Fleet Management Limited. These audio files were distributed among different offices in the Coast Guard and NTSB. The files were then transcribed by the NTSB and translated by the Department of State under contract to the Department of Justice. The Department of Justice had the audio files enhanced to improve the audio quality. Th material was turned over to the Defendants in its various iterations, resulting in twelve discs containing either audio files or transcripts of the bridge audio. In addition, many of the disks are largely empty. For example one disk contains nothing but a nautical chart; another contains nothing more than an image of a ship diagram.
3. Two disks contain images of thank-you cards sent to the Coast Guard from local schools.
4. For the first few weeks after the allision, Fleet personnel and its lawyers were onboard the *M/V Cosco Busan* collecting data, and assisting various investigators.
5. Since the allision, Fleet has been in possession of the data from the ship's simplified voyage data recorder, the electronic chart system, and most of the pertinent logs,

1 manuals, records and documents from the *M/V Cosco Busan*.

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3 6. In a video conference on December 5, 2007, Fleet's attorneys played back radar  
4 images matched with bridge audio from the morning of November 7, 2007.

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6 7. By late November Fleet, the ship's operator, was the subject of a civil lawsuit alleging,  
7 among other things, that it negligently caused the November 7, 2007 oil spill. (Regal  
8 Stone, the ship owner, who is represented by the same firm representing Fleet was  
9 also the subject of two other lawsuits alleging negligence filed November 2007.)

10  
11 8. The NTSB began an investigation into the causes of the allision in early November  
12 2007. Fleet was a "designated party", which means it had a right to participate in the  
13 investigation, including participating in interviews and commenting on reports before  
14 they are made public. Fleet exercised that right.

15  
16 9. Fleet operates over 190 merchant ships. The Bridge Procedures Manual and  
17 Shipboard Management Manual on board the *M/V Cosco Busan* were provided by  
18 Fleet, and, according to the United State's expert, reflect the contemporary standard of  
19 care for merchant ships.

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1 10. After the allision, Fleet conducted an internal audit to determine whether they  
2 complied with the standards in their Safety Management System, which includes  
3 the Bridge Procedures Manual. Similarly they were subject to an external audit  
4 reviewing their compliance with the standard of care.  
5

6  
7 Executed this \_12\_ day of September, 2008, at San Francisco, California.

8 I declare under penalty of perjury that the foregoing is true correct to the best of my  
9 knowledge and belief..  
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11 Respectfully submitted,  
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15 Christopher A. Tribolet  
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